UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,387	09/13/2000	Richard Krikor Yardumian	36.P279	8076

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
GHEE, ASHANTI

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)	
Office Action Summary	09/661,387		YARDUMIAN ET AL.	
	Examiner		Art Unit	
	Ashanti Ghee		2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-4,7-13,16-22,25 and 27* is/are rejected.
7) ☒ Claim(s) *5,6,14,15,23 and 24* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *06 August 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All   b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *5*.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 3, 12, and 21 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

3.   Claim 3 recites the limitation "the form of Graphic Device Interface commands" in

line 18-19 of the claim. There is insufficient antecedent basis for this limitation in the

claim.

4.   Claim 12 recites the limitation "the form of Graphic Device Interface commands"

in line 18-19 of the claim. There is insufficient antecedent basis for this limitation in the

claim.

5.   Claim 21 recites the limitation "the form of Graphic Device Interface commands"

in line 18-19 of the claim. There is insufficient antecedent basis for this limitation in the

claim.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7.   Claims 1-2, 7-11, 16, 17-20, 25, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Valorose, III (US Patent Publication 2002/0059265 A1).

Regarding claim 1, Valorose discloses a print driver executable on a user's personal computer responsive to a selection of a print option from any application program, the print driver comprising: computer-executable code (program code) configured (written) to receive (accept) output (print requests) from an application program (application programs read on application program; paragraphs 21 & 34-37); and computer-executable code (program code) configured (written) to generate (generate) print output (print requests) from the application program (application programs) output (subsequent graphical and textual data reads on output; see paragraphs 21 & 34-37), the print output (print requests) conforming (process) to a standardized markup language (P-XML reads on standardized markup language; see paragraphs 34-37).

Regarding claim 2, Valorose discloses a print driver according to Claim 1, wherein the standardized markup language (VPaper in the context of the reference reads on standardized markup language) is a scalable vector graphics (SVG) language (e.g. JPEG, GIF, TIFF, etc. can include the SVG language; see paragraph 73).

Regarding claim 7, Valorose discloses a print driver according to Claim 1, wherein the computer-executable code (program code) configured (written) to generate (generate) print output (print requests reads on print output; see paragraphs 21 & 34-37) further comprises: computer-executable code (program code) configured (written) to embed (is in the context of this reference reads on embed) image data (image) within an element definition (print stream in the context of this reference reads on element definition) of the print output (image document reads on print output; see paragraphs 34-47 & 69).

Regarding claim 8, Valorose discloses a printer comprising: computer-executable code (program code) configured (written) to receive (accept in the context of this reference reads on receive) print output (print requests in the context of this reference reads on print output) conforming (processes will be read on conforming) to a standardized markup language (P-XML in the context of this reference reads on standardized markup language; see 21 & 34-37); and computer-executable code (program code) configured (written) to produce (produce) a print image (printed piece of paper in the context of this reference reads on print image) using the print output (subsequent graphical and textual data reads on print output; see paragraphs 21 & 34-37).

Regarding claim 9, Valorose discloses a printer according to Claim 8, wherein the standardized markup language (VPaper in the context of the reference reads on standardized markup language) is a scalable vector graphics (SVG) language (e.g. JPEG, GIF, TIFF, etc. can include the SVG language; see paragraph 73).

Regarding claim 10, Valorose discloses a method executable by a print driver executing on a user's personal computer and responsive to a selection of a print option from any application program, the print driver comprising: a receiving step (accept in the context of this reference reads on receiving step) to receive (accept) output (print requests reads on print output) from an application program (application programs read on application program; see paragraphs 34-37); and a generating step (generate in the context of this reference reads on generating step) to generate (generate) print output (print requests) from the application program (application programs) output (subsequent graphical and textual data read on output; see paragraphs 34-37), the print output (print requests) conforming (processes in the context of this reference reads on conforming) to a standardized markup language (P-XML will read on standardized markup language; see paragraphs 34-37).

Regarding claim 11, Valorose discloses a method according to Claim 10, wherein the standardized markup language (VPaper in the context of the reference reads on standardized markup language) is a scalable vector graphics (SVG) language (e.g. JPEG, GIF, TIFF, etc. can include the SVG language; see paragraph 73).

Regarding claim 16, Valorose discloses a method according to Claim 10, wherein generating (generate) print output (print requests) further comprises:

embedding (is in the context of this reference reads on embed) image data (image)

within an element definition (print stream in the context of this reference reads on

element definition) of the print output (image document reads on print output; see

paragraphs 34-47 & 69).

Regarding claim 17, Valorose discloses a method executable by a printer

comprising: receiving (accept in the context of this reference reads on receiving) print

output (print requests read on print output) conforming (processes in the context of this

reference reads on conforming) to a standardized markup language (P-XML reads on

standardized markup language; see paragraphs 21 & 34-37); and producing (produce)

a print image (printed piece of paper reads on print image) using the print output

(subsequent graphical and textual data reads on print output; see paragraphs 21 & 34-

37).

Regarding claim 18, Valorose discloses a method according to Claim 17, wherein

the standardized markup language (VPaper in the context of the reference reads on

standardized markup language) is a scalable vector graphics (SVG) language (e.g.

JPEG, GIF, TIFF, etc. can include the SVG language; see paragraph 73).

Regarding claim 19, Valorose discloses a computer-readable memory medium in

which computer-executable process steps are stored, the process steps for execution

by a print driver and responsive to a selection of a print option from an application

program, the process steps comprising: a receiving step (accept in the context of this

reference reads on receiving step) to receive (accept) output (print requests reads on

print output) from an application program (application programs read on application

program; see paragraphs 34-37); and a generating step (generate in the context of this

reference reads on generating step) to generate (generate) print output (print requests)

from the application program (application programs) output (subsequent graphical and

textual data read on output; see paragraphs 34-37), the print output (print requests)

conforming (processes in the context of this reference reads on conforming) to a

standardized markup language (P-XML will read on standardized markup language; see

paragraphs 34-37).

Regarding claim 20, Valorose discloses a computer-readable memory medium

according to Claim 19, wherein the standardized markup language (VPaper in the

context of the reference reads on standardized markup language) is a scalable vector

graphics (SVG) language (e.g. JPEG, GIF, TIFF, etc. can include the SVG language;

see paragraph 73).

Regarding claim 25, Valorose discloses a computer-readable memory medium

according to Claim 19, wherein the generating step (generate reads on generating step)

to generate (generate) print output (print requests) further comprises: an embedding

step (is will read on embedding step in this reference) to embed (is in the context of this

reference reads on embed) image data (image) within an element definition (print

stream in the context of this reference reads on element definition) of the print output

(image document reads on print output; see paragraphs 34-47 & 69).

Regarding claim 26, Valorose discloses a computer-readable memory medium in

which computer-executable process steps are stored, the process steps for execution

by a printer, wherein the process steps comprise: a receiving step (accept will read on

receiving step in this reference) to receive (accept in the context of this reference reads

on receive) print output (print requests read on print output) conforming (processes in

the context of this reference reads on conforming) to a standardized markup language

(P-XML reads on standardized markup language; see paragraphs 21 & 34-37); and a

producing step (produce will read on producing step in this reference) to produce

(produce) a print image (printed piece of paper reads on print image) using the print

output (subsequent graphical and textual data reads on print output; see paragraphs 21

& 34-37).

Regarding claim 27, Valorose discloses a computer-readable memory medium

according to Claim 26, wherein the standardized markup language (VPaper in the

context of the reference reads on standardized markup language) is a scalable vector

graphics (SVG) language (e.g. JPEG, GIF, TIFF, etc. can include the SVG language;

see paragraph 73).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 3, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Valorose, III (US Patent Publication 2002/0059265 A1) in view of Barile (US Patent

No. 6,560,621 B2).

Regarding claim 3, Valorose does not specifically disclose a print driver according to Claim 1, wherein the application program output is in the form of Graphic Device Interface (GDI) commands.

However, Barile discloses a print driver according to Claim 1, wherein the application program (user application reads on application program) output (calls reads on output) is in the form of Graphic Device Interface (GDI) commands (GDI calls read on GDI commands; see col. 5, lines 6-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Valorose and Barile due to both references disclosing printing systems that have print drivers that format documents into a Web/electronic format to produce a simpler method of creating Web pages, even by sophisticated computer users/programmers.

Regarding claim 12, Valorose does not specifically disclose a method according to Claim 10, wherein the application program output is in the form of Graphic Device Interface (GDI) commands.

However, Barile discloses a method according to Claim 10, wherein the application program (user application reads on application program) output (calls reads on output) is in the form of Graphic Device Interface (GDI) commands (GDI calls read on GDI commands; see col. 5, lines 6-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Valorose and Barile due to both references disclosing printing systems that have print drivers that format

documents into a Web/electronic format to produce a simpler method of creating Web pages, even by sophisticated computer users/programmers.

Regarding claim 21, Valorose does not specifically disclose a computer-readable memory medium according to Claim 19, wherein the application program output is in the form of Graphic Device Interface (GDI) commands.

However, Barile discloses a computer-readable memory medium according to Claim 19, wherein the application program (user application reads on application program) output (calls reads on output) is in the form of Graphic Device Interface (GDI) commands (GDI calls read on GDI commands; see col. 5, lines 6-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Valorose and Barile due to both references disclosing printing systems that have print drivers that format documents into a Web/electronic format to produce a simpler method of creating Web pages, even by sophisticated computer users/programmers.

10.   Claims 4, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valorose, III (US Patent Publication 2002/0059265 A1) in view of Yeung (US Patent No. 6,426,798 B1).

Regarding claim 4, Valorose discloses a print driver according to Claim 1, wherein the computer-executable code (program code) configured (written) to generate (generate) print output (print requests) further comprises.

Although Valorose does not disclose the standardized markup language permits a hierarchy element or code configured to track a state change, Yeung discloses wherein the standardized markup language (universal print description file 140 reads on standardized markup language) permits (allows in this context will read on permits) a hierarchy (hierarchal structure) of elements (predetermined data elements read on elements; see col. 5, lines 60-col. 6, lines 1-17), computer-executable code (syntax in the context of this reference will read on computer-executable code) configured (created will read on configured) to track (if the new data elements are allowed the syntax has to have some way of tracking it) a state change (new data elements in the context of this reference will read on state change) associated (requires arrangement in this context will read on associated) with a hierarchical level (hierarchy will read on hierarchal level) defined (defining) in the application program (application programs read on application program output) output and determine (provide in the context of this reference will read on determine) when to include (the addition will read on to include) the state change (new data element) in the print output (universal printer data structure definition file reads on print output; see col. 5, lines 60-col. 6, lines 1-17).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Valorose and Yeung due to both reference disclosing printing systems that manipulate printer drivers to provide for a standardized, hierarchal universal printer description data structure definition that can be used to create universal printer description file corresponding to a particular printer for use on any operating system.

Regarding claim 13, Valorose discloses a method according to Claim 10, wherein

the computer-executable code (program code) configured (written) to generate

(generate) print output (print requests) further comprises.

Although Valorose does not disclose the standardized markup language permits

a hierarchy element or code configured to track a state change, Yeung discloses

wherein the standardized markup language (universal print description file 140 reads on

standardized markup language) permits (allows in this context will read on permits) a

hierarchy (hierarchal structure) of elements (predetermined data elements read on

elements; see col. 5, lines 60-col. 6, lines 1-17), tracking (if the new data elements are

allowed the syntax has to have some way of tracking it) a state change (new data

elements in the context of this reference will read on state change) associated (requires

arrangement in this context will read on associated) with a hierarchical level (hierarchy

will read on hierarchal level) defined (defining) in the application program (application

programs read on application program output) output and determine (provide in the

context of this reference will read on determine) when to include (the addition will read

on to include) the state change (new data element) in the print output (universal printer

data structure definition file reads on print output; see col. 5, lines 60-col. 6, lines 1-17).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made would combine the teachings of Valorose and Yeung

due to both reference disclosing printing systems that manipulate printer drivers to

provide for a standardized, hierarchal universal printer description data structure

definition that can be used to create universal printer description file corresponding to a

particular printer for use on any operating system.

Regarding claim 22, Valorose discloses a computer-readable memory medium

according to Claim 19, wherein the generating step (generate will read on generating

step) to generate (generate) print output (print requests) further comprises.

Although Valorose does not disclose the standardized markup language permits

a hierarchy element or code configured to track a state change, Yeung discloses

wherein the standardized markup language (universal print description file 140 reads on

standardized markup language) permits (allows in this context will read on permits) a

hierarchy (hierarchal structure) of elements (predetermined data elements read on

elements; see col. 5, lines 60-col. 6, lines 1-17), a tracking step (if the new data

elements are allowed the syntax has to have some way of tracking it and will read

tracking step) to track (if the new data elements are allowed the syntax has to have

some way of tracking it) a state change (new data elements in the context of this

reference will read on state change) associated (requires arrangement in this context

will read on associated) with a hierarchical level (hierarchy will read on hierarchal level)

defined (defining) in the application program (application programs read on application

program output) output and determine (provide in the context of this reference will read

on determine) when to include (the addition will read on to include) the state change

(new data element) in the print output (universal printer data structure definition file

reads on print output; see col. 5, lines 60-col. 6, lines 1-17).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Valorose and Yeung due to both reference disclosing printing systems that manipulate printer drivers to provide for a standardized, hierarchal universal printer description data structure definition that can be used to create universal printer description file corresponding to a particular printer for use on any operating system.

Allowable Subject Matter

11.   Claims 5-6, 14-15, and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
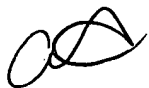
Yoshikawa (US Patent No. 6,597,471 B1) discloses an information processing system for generating print data that can be interpreted by a printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashanti Ghee whose telephone number is (703) 306-3443. The examiner can normally be reached on Mon-Thurs and alt. Fri. (7-4PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly A. Williams can be reached on (703) 305-4863. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ashanti Ghee
Examiner
Art Unit 2626

AG
March 5, 2004

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER